

SPECIAL ORDINANCE NO. 13, 2014.

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

2800 Elm Street, Terre Haute, IN 47803

Rezone From: M-2 Heavy Industry District

Rezone To: R-3 General Residence District

Proposed Use: Residential Building

Name of Owner: City of Terre Haute Department of Redevelopment

Address of Owner: 17 Harding Avenue
Terre Haute, IN 47807

Phone Number of Owner: (812) 232-0018

Attorney Representing Owner: Richard J. Shagley

Address of Attorney: Wright, Shagley & Lowery , P.C.
PO Box 9849, Terre Haute, IN 47808

For Information Contact: ☐ Owner ☒ Attorney

Council Sponsor: Robert All_____

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED
MAY 05 2014
CITY CLERK

SPECIAL ORDINANCE NO. 13, 2014

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999, as Amended, entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing The Same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner Of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

BE IT ORDAINED by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective, December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

Commonly known as 2800 Elm Street, Terre Haute, IN 47803.

be and the same is, hereby established as a R-3 General Residence District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the

law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, _____
Robert All, Councilperson

Passed in open Council this ____ day of _____, 2014.

Amy Auler, President

ATTEST:

Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____, 2014.

Charles P. Hanley, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____, 2014.

Duke A. Bennett, Mayor

ATTEST:

Charles P. Hanley, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law.

Richard J. Shagley

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA;

and THE PRESIDENT AND MEMBERS OF THE AREA PLANNING COMMISSION OF VIGO COUNTY, INDIANA.

LADIES and GENTLEMEN:

The undersigned, City of Terre Haute Department of Redevelopment, respectfully submits this Petition to Rezone the following described real estate in the City of Terre Haute, Vigo County, State of Indiana, to-wit:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

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Your Petitioner is informed and believes that in accordance with Chapter 10, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute", as amended, the above described real estate is now zoned as M-2 Heavy Industry District.

Your Petitioner would respectfully state that the real estate is now vacant and is being transferred and sold by City of Terre Haute Department of Redevelopment for development of a residential facility.

Your Petitioner would request that the real estate described herein shall be zoned as an R-3 General Residence District to allow for the use as proposed. Your Petitioner would allege that the R-3 General Residence District would not alter the general characteristics of this neighborhood, since the real estate will serve as a buffer zone between residential and industrial

uses.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the area.

WHEREFORE, your Petitioner respectfully requests that the Area Planning Commission and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the District Maps of Chapter 10, of the Terre Haute City Code entitled The Comprehensive Zoning Ordinance for Terre Haute, Section 10-121 District Maps and declaring the above-described real estate to be part of the R-3 General Residence District of the City of Terre Haute, Indiana, and is entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, the undersigned Petitioner has caused this Petition to Rezone Real Property to be executed, this 2nd day of May, 2014.

PETITIONER:

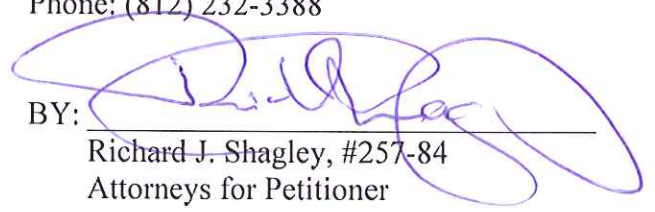
**CITY OF TERRE HAUTE DEPARTMENT
OF REDEVELOPMENT**

By:


Cliff Lambert, Executive Director

WRIGHT, SHAGLEY & LOWERY, P.C.
500 Ohio Street
PO Box 9849
Terre Haute, IN 47808
Phone: (812) 232-3388

BY:

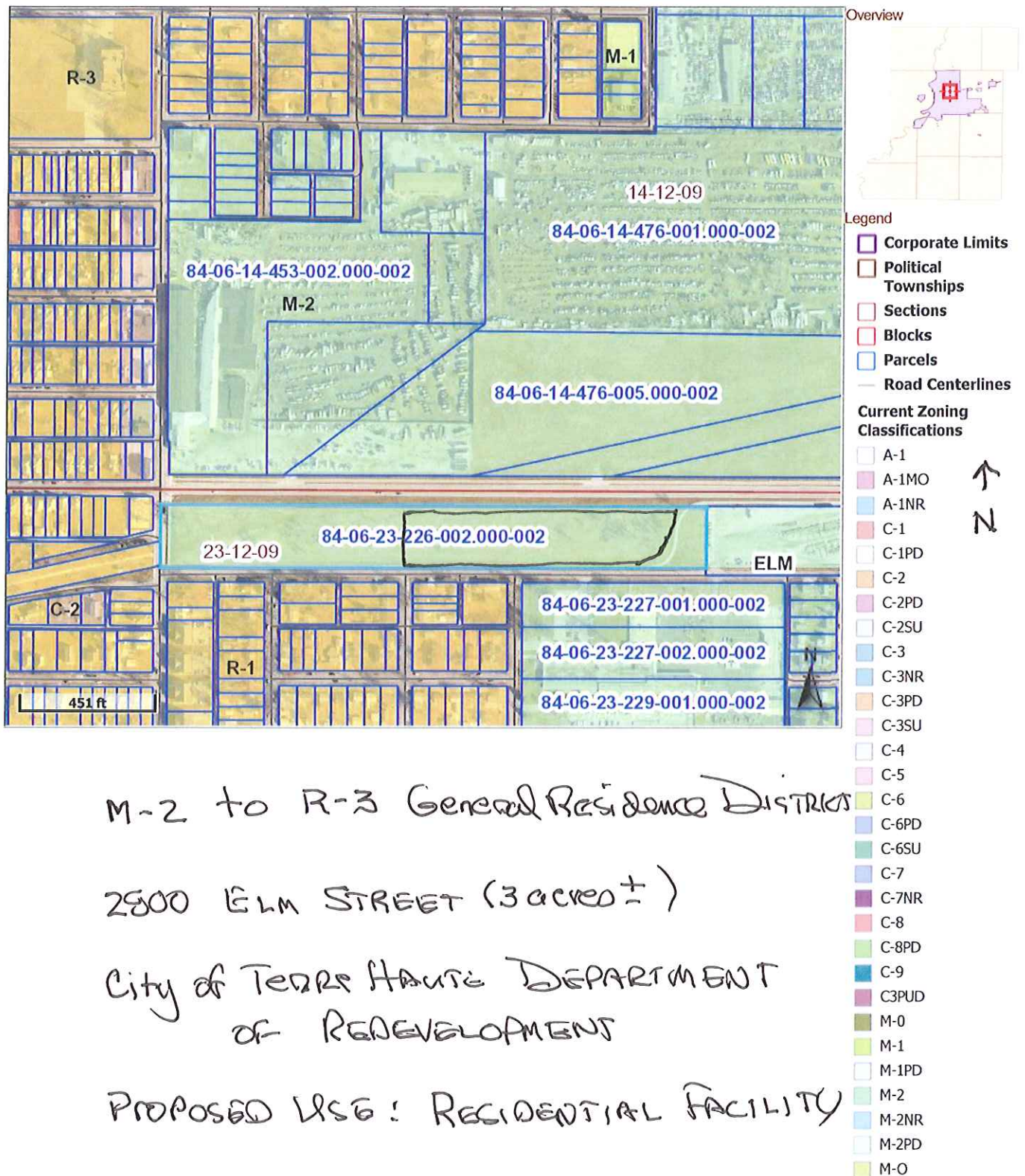

Richard J. Shagley, #257-84
Attorneys for Petitioner

The owner and mailing address: City of Terre Haute Department of Redevelopment, 17 Harding Avenue, Terre Haute, IN 47807.

This instrument prepared by Richard J. Shagley, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, Terre Haute, Indiana 47807.

SITE PLAN

Date Created: 4/29/2014



STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

AFFIDAVIT

Comes now, Cliff Lambert, Executive Director of City of Terre Haute Department of Redevelopment, being duly sworn upon his oath, deposes and says:

1. That the City of Terre Haute Department of Redevelopment, is the fee simple owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Part of the Northeast quarter of section 23, township 12 North, Range 9 West, Harrison Township, Vigo County Indiana, described as follows;

3.00 acres bounded by right-of-way of Locust Street, Elm Street and a 5.0 foot offset West of the National Road Heritage Trail Pathway, described as follows;

Commencing at the Northwest corner of said quarter section thence North 89 degrees 59 minutes 05 seconds East along the North line of said Section 23 a distance of 1067.24 feet; thence South 00 degrees 00 minutes 55 seconds East a distance of 55.00 feet to the South right-of-way line of Locust Street and the Point of Beginning of this description; thence North 89 degrees 59 minutes 05 seconds East along said right-of-way a distance of 692.34 feet to a point 5 feet more or less West of the West edge of the National Road Heritage Trail pavement; thence Southerly along a line being parallel with and 5 feet more or less West of said trail edge, a distance of 265.25 feet more or less to the North right-of-way line of Elm Street; thence South 89 degrees 55 minutes 58 seconds West along said right-of-way a distance of 556.11 feet; thence North 00 degrees 18 minutes 56 seconds West a distance of 203.70 feet to the point of beginning, containing 3.00 acres, more or less.

Commonly known as 2800 Elm Street, Terre Haute, Indiana 47803.

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, transferring fee simple title to Affiant, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that City of Terre Haute Department of Redevelopment, is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by City of Terre Haute Department of Redevelopment.

4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 2nd day of May, 2014.



Cliff Lambert, Executive Director
City of Terre Haute Department of
Redevelopment

STATE OF INDIANA)
) SS:
COUNTY OF VIGO)

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County and
State, this 5th day of May, 2014.


Debora Page, Notary Public

My Commission expires:

03/19/15

My County of Residence:

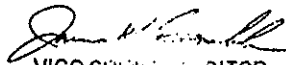
Vigo

This instrument prepared by Richard J. Shagley, Attorney At Law, WRIGHT, SHAGLEY &
LOWERY, P.C., 500 Ohio Street, Terre Haute, IN 47807.

JKN Date 01/02/2001 Time 09:48:28
Mitchell Newton
Vigo County Recorder
Filing Fee: 22.00
1 20010110 Page 1 of 5

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer

JAN 02 2001


VAGO COUNTY AUDITOR

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH, that K.C. Properties Inc., ("Grantor"), a body corporate, duly incorporated and doing business under the laws of the State of Indiana, acting by and through Karen Curry, its president, of the County of Vigo, State of Indiana, hereunto authorized by a resolution of the Board of Directors of said corporation, as evidenced by a certified copy of such resolution hereto attached, marked "Exhibit A" and made a part hereof, for the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid, hereby CONVEYS AND WARRANTS to City of Terre Haute Department of Redevelopment, ("Grantee"), of Vigo County, in the State of Indiana, the following described real estate in Vigo County, in the State of Indiana:

SEE ATTACHED LEGAL DESCRIPTION

Subject to real estate taxes prorated to the date of closing, and all taxes thereafter which Grantee assumes and agrees to pay.

Grantor certifies that there is no gross income tax due as a result of this conveyance.

The undersigned persons executing this deed on behalf of said Grantor represent and certify that they are duly elected officers of Grantor and have been fully empowered, by proper resolution of the Board of Directors of Grantor to execute and deliver this deed; that the Grantor has full corporate capacity to convey the real estate described herein; and that all necessary corporate action for the making of such conveyance has been taken and done.

IN WITNESS WHEREOF, the said Grantor has caused this deed to be executed this 29 day of December, 2000.

K.C. PROPERTIES INC.

By Karen Curry
Printed: Karen Curry
Title: President

Attest:

Printed:

Title:

EXHIBIT

tabbies

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Witness my hand and Notarial Seal this 29 day of December, 2000.

My Commission Expires:
3-29-08

Mail Tax statements to 301 City Hall Tower Hall, Ls
47808

This instrument prepared by Rhonda Oldham, Attorney at Law, The Tudor House, 191 Harding Avenue, P.O. Box 410, Terre Haute, Indiana 47808-0410.

John Curry to City of Terre Haute.

Being a part of the Northeast Quarter of Section 23, and the Southeast Quarter of Section 14, Township 12 North, Range 9 West, of Harrison Township, Vigo County, Second Principal Meridian, Indiana; and more particularly described as follows:

Beginning at the Northwest corner of the Northeast Quarter of Section 23, Township 12 North, Range 9 West; thence S-00°18'56"-E (assumed bearing) along the West line of said Quarter 285.57 feet to the intersection of Elm Street and 25th Street; thence N-89°53'38"-E, along the centerline of Elm Street 1342.47 feet; thence N-77°42'26"-E 1332.95 feet to an iron pin at the Northeast corner of Section 23, (also being the intersection of Brown Avenue and Locust Avenue); thence N-00°08'22"-W, along the centerline of Brown Avenue 29.95 feet, thence S-89°03'46"-E, parallel with the centerline of Locust Avenue 30.00 feet; thence N-00°08'22"-W, along the East right of way line of Brown Avenue 1162.55 feet to the centerline of vacated Fourth Street; thence S-89°37'53"-W, along the centerline 150.00 feet; thence S-00°08'22"-W, parallel with the centerline of Brown Avenue 1141.08 feet to an iron pin 50.00 feet North of the South line of Section 14; thence S-89°59'05"-W, parallel with said South line 2110.78 feet; thence S-51°25'01"-W 80.20 feet to the South line of said Section 14; thence S-89°59'05"-W, along the said South line 352.81 feet to the point of beginning.

Containing 19.54 acres more or less.

less said exception;

Beginning at the intersection of the East right of way line of Brown Avenue with the South right of way line of the old Terre Haute, Brazil, and Eastern railroad; thence N-00°08'22"-W, along said East right of way line 102.40 feet to the North right of way line of the old Terre Haute, Brazil, and Eastern railroad; thence S-77°30'31"-W, along said North right of way line 153.55 feet, thence S-00°08'22"-E, parallel with the centerline of Brown Avenue 102.40 feet to said South right of way line; thence N-77°30'31"-E, along said South right of way line 153.55 feet to the point of beginning.

Containing 0.35 acres more or less.

Subject to an Ingress and Egress Easement for Adjoining Real Estate of John Curry

Being a Part of the Southeast Quarter of Section 14, Township 12 North, Range 9 West, Vigo County, Indiana described as follows:

Commencing at the Southeast corner of said Quarter Section, (also being the intersection of Brown Avenue and Locust Avenue); thence North 0 Degrees 08 Minutes 22 Seconds West, along and with the

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centerline of platted Brown Avenue a distance of 29.95 feet to the POINT OF BEGINNING; thence South 89 Degrees 03 Minutes 46 Seconds East, parallel with the centerline of Locust Avenue, a distance of 30.00 feet to an iron pin on the East right-of-way line of platted Brown Avenue; thence North 0 Degrees 08 Minutes 22 Seconds West, along and with said right-of-way, a distance of 1622.55 feet to the centerline of vacated Fourth Avenue; thence South 89 Degrees 37 Minutes 53 Seconds West, along said centerline, a distance of 40.00 feet; thence South 0 Degrees 08 Minutes 22 Seconds East, parallel with the centerline of platted Brown Avenue, a distance of 1161.64 feet; thence South 89 Degrees 03 Minutes 46 Seconds East, a distance of 10.01 feet to the POINT OF BEGINNING, containing 1.07 acres more or less.

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Parcel II

Being a part of the Southeast Quarter of Section 13, Township 12 North, Range 9 West, of the Second Principal Meridian, Harrison Township, and part of Section 18, Township 12 North, Range 8 West of the Second Principal Meridian of Lost Creek Township, Vigo County, Indiana, and more particularly described as follows:

Commencing at a point South 00 degrees 05 minutes 48 seconds East along the West Line of said Section 18, 765.47 feet from the Northwest Corner of the Southwest Quarter of Section 18, Township 12 North, Range 8 West, to the Point of Beginning (P.O.B.); thence running South 77 degrees 55 minutes 01 second West along the North Right-of-Way Line for the East Yard and the Old Philadelphia, Baltimore and Washington Railroad Company, 739.72 feet; thence continuing along said Right-of-Way South 73 degrees 45 minutes 55 seconds West, 116.72 feet thence continuing along said Right-of-Way South 69 degrees 34 minutes 43 seconds 1,062.48 feet; to a point on the East Right-of-Way Line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 00 degrees 00 minutes 01 seconds East, 28.79 feet, thence North 77 degrees 02 minutes 22 seconds East, 124.95 feet; thence South 01 degrees 21 minutes 05 seconds East, 61.45 feet; thence North 76 degrees 48 minutes 42 seconds East 1,992.87 feet; thence North 75 degrees 46 minutes 57 seconds East, 1,113.38 feet; thence North 13 degrees 11 minutes 18 seconds West, 41.00 feet; thence South 82 degrees 08 minutes 17 seconds West, 144.72 feet; thence South 86 degrees 17 minutes 02 seconds West 878.89 feet; thence South 82 degrees 06 minutes 05 seconds West, 102.65 feet; thence South 77 degrees 55 minutes 01 second West, 175.54 feet, to the Point of Beginning containing 12.79 acres, more or less.

Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Receipt

The following was paid to the City of Terre Haute, Controller's Office.

Date: May 5, 2014

Name: Wright, Gregory & Son

Reason: _____

Payment - Mental Health Assoc.

CP# 62809

Cash: _____

Check: 45.00

Credit: _____

Total: 45.00

Received By: Allen JH

TERRE HAUTE, IN
PAID
MAY - 5 2014
CONTROLLER